

ORIGINAL

MR. DONALD G. EVERIST
6234 OLD TELEGRAPH ROAD
ALEXANDRIA, VA 22310

October 18, 2000

EX PARTE OR LATE FILED

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OCT 18 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Room TW-B204
Washington, D.C. 20556

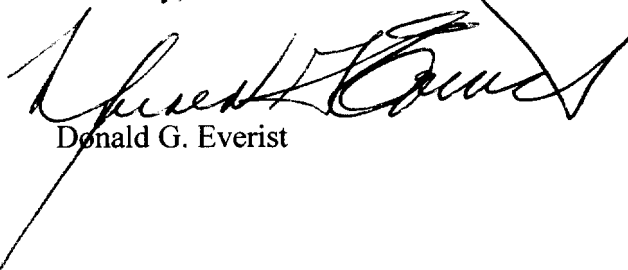
Re: Ex Parte Submission Re NAB Ex Parte Filing
MM Docket 93-177, RM-7594

Dear Ms. Salas:

Enclosed are six copies (original and five) of the ex-parte submission in opposition to the filing entitled, "Opposition to Joint Written Ex-Parte Filing--Supplemental Comments of Broadcasters, Broadcast Engineering Consultants and Equipment Manufacturers Filed by the National Association of Broadcasters Dated August 2, 2000", filing concerning MM Docket 93-177, RM-7594.

If you have any questions, please do not hesitate to contact our office.

Sincerely,



Donald G. Everist

DGE:mcw
Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Any Inquiry Into the Commission's Policies)	MM Docket No. 93-177
and Rules Regarding AM Radio Services)	RM 7594
Directional Antenna Performance Verification)	

OPPOSITION TO JOINT WRITTEN EX PARTE FILING--SUPPLEMENTAL
COMMENTS OF BROADCASTERS, BROADCAST ENGINEERING CONSULTANTS
AND EQUIPMENT MANUFACTURERS FILED
BY THE NATIONAL ASSOCIATION OF BROADCASTERS
DATED AUGUST 2, 2000

Donald G. Everist, President of the firm Cohen, Dippell and Everist, P.C. attended most of the informal Ad Hoc industry meetings hosted by the National Association of Broadcasters ("NAB"). I followed very carefully all the input provided by the various participants during and between the Ad Hoc meetings. As indicated in my reply comments dated November 29, 1999, the firm of Cohen, Dippell and Everist, P.C. has used a version of the Method of Moments program.

I wish to take the opportunity to commend the FCC staff and other participants which put forward extraordinary time, effort, and their experience with reference to the use of the Method of Moments Model.

I have examined the NAB technical filing and I remain unconvinced that the Method of Moments procedure described by the NAB filing offers the necessary latitude nor does it address the very valuable role the Federal Communications Commission provides in the prevention of interference among AM broadcast stations as its core regulatory function.

Also I have worked with Commission staff in a number of capacities in the domestic and international arenas. Attached is a partial list of those activities of which I was apart solely sponsored (time and expenses) by the firm of Cohen, Dippell and Everist, P.C. or its predecessors. This effort has spanned over 20 years. In addition, I had the good fortune of working with Wilson A. La Follette in his capacity at the FCC with Policy and Rules and his role as Vice-Chairman of the various U.S. delegations for Region II--First and Second Session--as well as when he joined the firm of Cohen, Dippell and Everist, P.C. Through Mr. La Follette, I was able to gain valuable insight as to the FCC mission with regard to interference prevention as it relates to the AM band.

Therefore, I cannot support the NAB filing for the following reasons.

- The NAB filing delays the adoption of a Report and Order of very constructive modifications to the FCC Rules with reference to full and partial proof-of-performance. I believe that the Commission has proposed rules which provide regulatory relief to the broadcaster while maintaining the integrity of the FCC Rules and procedures.
- The NAB filing does not address the Commission's concern of it being responsible for oversight of new technical areas noted in the Notice of Proposed Rule Making, MM Docket 93-177, in the Matter of, "An Inquiry into the Commission's Policies and Rules Regarding Radio Service Directional Antenna Performance Verification", adopted May 28, 1999—see Paragraphs 7 and 8.
- The NAB filing, if adopted, cannot assure the Commission that it will conserve valuable FCC resources. If adopted, the NAB proposal may require additional internal FCC resources to monitor and implement Method of Moments as proposed.
- The NAB filing does not offer an avenue which, if successful, the role of Method of Moments can be expanded to other uses of Method of Moments which may yield other potential benefits.^{1, 2}

Therefore, until the above can be resolved, I am in opposition to the joint written ex-parte filing in MM Docket 93-177. I also urge the Commission to proceed with the adoption of a Report and Order, MM Docket 93-177.



Donald G. Everist
6234 Old Telegraph Road
Alexandria, VA 22310



Date

¹Edward C. Jordan/Keith G. Balmain, Electromagnetic Waves and Radiating Systems, Second Edition, pp.640-644.

²IEEE Antennas and Propagation Society Newsletter, December 1986 Article, Electromagnetic Surface Waves, by Ronold W. P. King, Gordon McKay Laboratory, Harvard University, Cambridge, MA 02138.

**MR. DONALD G. EVERIST
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ATTACHMENT TO EX-PARTE SUBMISSION DATED OCTOBER 18, 2000

Donald G. Everist is a graduate electrical engineer, a registered professional engineer in the District of Columbia (Registration Number 5714), and is President of the firm of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio-Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005. He is a member of the Institute of Electrical and Electronic Engineers, National Society of Professional Engineers, Illinois Society of Professional Engineers, and a member and past president of the Association of Federal Communications Consulting Engineers.

The firm of Cohen, Dippell and Everist, P.C. sponsored all his time and expenses for the following Federal Communications Commission related domestic and international activities.

- He was the Chairman of the AM Broadcasting Service Working Group preparatory to the 1979 World Administrative Radio Conference. He was an industrial delegate for the United States to the International Telecommunications Union Regional Administrative Medium Frequency Broadcasting Conference in Buenos Aires, Argentina.
- He was the Chairman of TF:F Planning Methods; was a U.S. delegate on the Fourth Panel of Experts meeting in Geneva, Switzerland; was Chairman of the Working Group on Inventories, Incompatibilities, Negotiations and Strategy to the Advisory Committee, all preparatory to the Second Session of the Regional Administrative MF Broadcasting Conference for Region 2.
- He was an industrial delegate to the Second Session of the Regional Administrative MF Broadcasting Conference for Region 2 (Western Hemisphere) held in Rio de Janeiro, Brazil.
- He was an industrial delegate for the United States to the Regional Administrative Radio-Conference (BC-R21) sponsored by the International Telecommunications Union in Geneva, Switzerland.
- He was an industrial delegate for the United States for the CCIR Joint Interim Working Party 8-10/1 Meeting in Helsinki, Finland.

MR. DONALD G. EVERIST
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CERTIFICATE OF SERVICE

I, Donald G. Everist, do hereby certify that a true and correct copy of the foregoing, "Opposition to the Ex-Parte Presentation Notice", in MM Docket 93-177 was delivered by hand or sent by first class mail on this date October 18, 2000 to the following.

*The Honorable William Kennard
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Room 8-B201
Washington, D.C. 20554

*The Honorable Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Room 8-A302
Washington, D.C. 20554

*The Honorable Susan Ness
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Room 8-B115
Washington, D.C. 20554

*The Honorable Michael Powell
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Room 8-A204
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*The Honorable Gloria Tristani
Federal Communications Commission
445 12th Street, S.W.
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**MR. DONALD G. EVERIST
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***Mr. Roy Stewart**
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445 12th Street, S.W.
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***Mr. Ed DeLaHunt**
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***Mr. Keith Larson**
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***Ms. Ann Gallagher**
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***Mr. William Ball**
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du Treil, Lundin & Rackley Inc.
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Sellmeyer Engineering
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McKinney, TX 750070

Greater Media, Inc.
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Schwartz, Woods & Miller
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Clear Channel Communications, Inc.
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Hogan & Hartson
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Washington, DC 20004

Carl T. Jones Corporation
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The Walt Disney Company
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Carl Como Tutera
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A handwritten signature in black ink, appearing to read 'Donald G. Everist', written over a horizontal line.

Donald G. Everist

*Hand Delivered